IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Crl.Rev.Pet.No. 3783 of 2007()

CMP.345/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA

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REVN. PETITIONER: COMPLAINANT

MAMBRAKARAN TRADERS, KODAKARA,
REP. BY ITS PROPRIETOR, M.V.PAUL, S/O.VAREED,
MAMBRAKKARAN HOUSE, P.O.PERAMBRA.

BY ADV. SRI.SHEEJO CHACKO
SRI.M.N.MANOJ
SRI.PRASANTH K.DIVAKARAN

RESPONDENTS: ACCUSED

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1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM.

2. P.M.NOUSHAD, S/O.MUHAMMED,
PALACKAPARAMBIL HOUSE, CHENGAL KALADY.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL. R.P. NO. 3783 OF 2007

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Dated this the 23rd day of October, 2007.

ORDER

The revision petitioner is the complainant in C.M.P No. 345/2007 on the file of the Judicial First Class Magistrate, Irinjalakuda. The complaint was filed by Mambrakkaran Traders by its proprietor M.V. Paul. The cheque in question is for a sum of Rs.20,000/- allegedly issued by the accused in favour of Mambrakkaran Traders which is said to be having a bank account also in its name. It is true that the complainant is a proprietary concern which is not a legal entity. But, M.V. Paul the sole proprietor was present before the Court in the place of the complaint. When the payee in the cheque is also Mambrakkaran Traders of which the complainant claimed himself to be the sole proprietor, the dismissal of the complaint as not maintainable for the reason that the complainant is a proprietary concern which is not legal entity was not justified. The order dated 10.08.2007 is accordingly set aside and the complaint shall stand restored to file and the court below shall proceed with the complaint in accordance with law by taking the sworn statement etc. of the sole proprietor.

rv **V. RAMKUMAR, JUDGE.**